

**IN RE GREAT LAKES DIVISION OF
NATIONAL STEEL CORP.**

EPCRA Appeal No. 93-3

FINAL ORDER

Decided June 29, 1994

Syllabus

U.S. EPA Region V filed a complaint alleging that Great Lakes Division of National Steel Corporation ("National") violated Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and Section 104 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") by failing to provide required notifications to government response agencies of a hydrogen sulfide release at its plant. The Presiding Officer held that National had violated both statutes, as alleged, but reduced the total proposed civil penalty from \$100,000 to \$66,600.

Held: The Initial Decision is affirmed.

***Before Environmental Appeals Judges Nancy B. Firestone,
Ronald L. McCallum, and Edward E. Reich.***

Opinion of the Board by Judge Reich:

The Great Lakes Division of National Steel Corp. ("National") has appealed to the Board under 40 C.F.R. § 22.30(a) an Initial Decision assessing total civil penalties of \$66,600 for one violation of Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9603(a), and three violations of Section 104 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11004. In the Initial Decision, the Presiding Officer found that National had violated Section 103(a) of CERCLA and Section 104(a) of EPCRA by failing to provide the requisite timely notifications to the designated federal, State and local government agencies of the release of hydrogen sulfide (H₂S), a hazardous substance, at its facility on February 13 and 14, 1990. The Presiding Officer further found that National had violated Section 104(c) of EPCRA by failing to send the requisite written follow-up notice to the State emergency response commission for the State of Michigan. National acknowledges that the release of a hazardous substance in a